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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,379	06/20/2003	Steve B. Taylor	2236.001	7549

59306 7590 04/13/2006

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notification of Non-Compliant Appeal Brief (37 CFR 41.37)</b>	<b>Application No.</b> 10/600,379	<b>Applicant(s)</b> TAYLOR, STEVE B.	
	<b>Examiner</b> Victor MacArthur	<b>Art Unit</b> 3679	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 10 February 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.  
**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.



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**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**

Continuation of 10. Other (including any explanation in support of the above items): The Appeal Brief filed on 2/10/2006 is not in conformance with the changes to the Rules of Practice before the Board of Patent Appeals and Interferences that went into effect on September 13, 2004. See 37 CFR sections 41.37 through 41.50. Any Appeal Brief filed on or after 10/08/2004 must comply with the new rules regardless of whether or not the Notice of Appeal was filed before the effective date.

The Summary of the Claimed Subject Matter section fails to provide a concise explanation of the subject matter of each independent claim. Rather, the summary provided is that of the disclosed invention. For example, neither claim 1 nor claim 11 recites any subject matter pertaining to a "boat Hull" or "boating industry" as mentioned in the first paragraph of page 5 of the Brief. This heading is to be limited solely to the subject matter recited in each independent claim and identification of that subject matter by reference character and page/line location in the specification and by figure. Note box 4. Accordingly the first two paragraphs of page 5 should be removed since they are not a summary of the claimed subject matter.

The Grounds of Rejection to be Reviewed on Appeal section should not be phrased argumentatively. The grounds of rejection, and only the grounds of rejection, must be concisely stated in this section (e.g., --Claims 1-3 stand rejected under 35 U.S.C. 102(b) as being anticipated by Murray U.S. Patent 5,697,320 --). All grounds under appeal must be addressed. Note that arguments regarding figures are not grounds of rejection.

The Argument section requires a separate heading for each grounds of rejection. Each heading should match with a listing of Grounds in the Grounds of Rejection to be Reviewed on Appeal section.

The Argument section requires that any claim argued separately be placed under a subheading identifying the claim by number. See 37 CFR 41.37(c) (1)(vii). Each claim should be argued under separate subheadings; or all references to the claims that are made separately should be omitted from the Arguments.

The Argument section requires that headings and subheadings not denoting grounds of rejection or separately argued claims be omitted.

The Argument section requires that petitionable non-appealable matters such as drawing objection arguments not be included therein..